

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**INSTRUCTIONS FOR FILING AN
APPLICATION FOR TRANSFER OF A WATER RIGHT**

Under Section 42-222, **Idaho Code**, any person entitled to the use of water under licensed, decreed or claimed water right(s) on record with the Department of Water Resources who wishes to change the point of diversion, place of use, period of use or nature of use of a water right(s) must apply to the Department for approval of the change.

The application consists of three parts: Part 1 describes the right(s), or portion thereof, as it will exist after the proposed change. This part will reflect any changes made in the four components of a water right listed above. Multiple water rights can be described in this section.

Part 2 describes a water right as it is presently recorded with the state. When the application proposes the transfer of a portion of the recorded right, that portion proposed to be transferred must be set forth in Part 2. For an application for transfer of multiple water rights, a separate Part 2 must be completed for each water right and made a part of the application.

Part 3 includes a grid for drawing a plat map or attaching a copy of a U.S.G.S. map to illustrate the locations for the point(s) of diversion and place(s) of use identified on Part 1. When a transfer proposes a change in the nature of use, this change should be clarified in Part 3.

PART 1

A. PURPOSE OF TRANSFER

1. Check the item or items that identify the purposes of this transfer.
2. Briefly explain why these changes are being requested.

B. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Write in the water right number, priority date, amount of water in cubic feet per second or acre feet if for storage, nature of use, and period of use (dates inclusive) for each right or portion of right proposed to be changed as a result of this transfer.

EXAMPLE:

<u>Right Number</u>	<u>Priority</u>	<u>Amount</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>35-00199</u>	<u>Apr. 1, 1956</u>	<u>4.0 cfs</u>	<u>Irrigation</u>	<u>Apr. 1</u> to <u>Nov. 1</u>
		<u>0.5 cfs</u>	<u>Stockwater</u>	<u>Jan. 1</u> to <u>Dec. 1</u>
<u>35-09001</u>	<u>Sept. 3, 1985</u>	<u>1200 acre-feet</u>	<u>Storage for irr.</u>	<u>Apr. 1</u> to <u>Nov. 1</u>
		<u>1200 acre-feet</u>	<u>Irr. from storage</u>	<u>Apr. 1</u> to <u>Nov. 1</u>

2. Write the total amount of water to be transferred. A water right given in miner's inches should be multiplied by 0.02 for conversion to cubic feet per second.

EXAMPLE:

Total amount of water being transferred: a. 4.0 cubic feet per second and/or 1200 acre feet per annum.

3. Write in the name of the source of the water recorded for diversion and beneficial use under the water right(s) being transferred.
4. Write in the legal description for the point(s) of diversion to be used after the change. Location should be described by U.S Government Lot and/or 40-acre tract subdivision, except for springs, the location of which must be described by ten-acre subdivision. The description must also state the county in which the diversion is located. When the diversion is known locally by a specific name, the name of the diversion should be listed.

EXAMPLE:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
4	SW	NE	NW	14	10S	14E	Twin Falls	McCormick Ditch

5. List the place of use of all water uses identified in item 1, Section B, above. The location should show township, range, section and each 40-acre tract where water will be used. To designate irrigation and irrigation storage, show the number of acres irrigated in each 40-acre tract. For uses other than irrigation, identify each use in the 40-acre tract using the symbol shown on the table below.

EXAMPLE:

Twn	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	14E	21	40		4	4					4			40		40	40		172
10S	14E	21	S													S			

Total acres 172

Use Symbols:

Stockwater – S
Industrial – I
Commercial – C
Mining – X
Wildlife – W

Domestic – D
Fish Propagation – H
Fire Protection – F
Aesthetic – J
Heating – G

Cooling – L
Recreation – R
Power – P
Groundwater Recharge – E
Municipal – M

6. a. Describe the complete diversion system giving sizes and/or dimensions of pumps, pipelines, headgates, ditches, dams, impoundments, etc.
- b. If the application proposes a transfer of water rights from lands subject to legal encumbrance, written permission from the encumbrance holder must be submitted in affidavit form with the transfer application.
- c. If the transfer will change the place of use of the original water right(s), provide a brief statement explaining the future use of the land from which the water right(s) is being removed.
- d. The remarks section should be used to relate any pertinent information which might be helpful to the Department in understanding the purpose, benefits and effects of the transfer.

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right as evidenced by:
- a. If the right was established by a court decree, show the number of assigned to the right by the Department (if known), the name of the person to whom the right was decreed, the case in which the right was decreed, the date the decree was signed by the judge, the name of the court in which the decree was executed, and the county in which the court was located. (*Example: Decree No. 01-0324 Decreed to John H. Doe in the case of John J. Doe vs. William R. Smith, dated June 15, 1921, in the 4th District Court, County of Cassia.*)
- b. If the right is based on a license obtained through the statutory procedure of the State of Idaho, show the license number.
- c. If the right is based on a "Claim to a Water Right" established by the diversion and beneficial use of water, and is not recorded by a decree of court or license from the Department, indicate the claim number. If no claim has been filed, then a claim must be submitted before filling an Application for Transfer.
- d. If the right was previously transferred through the statutory procedure of the State of Idaho, show the transfer number assigned by the Department.

2. To change a water right, the applicant must provide proof of ownership of the land covered by the water right. If the water right is appurtenant to land owned by another party, the applicant must obtain both a notarized statement from the owner authorizing the transfer and proof the authorizing party owns the land. Verification of ownership can be satisfied by attaching a copy of last year's tax notice for the property to which the water right appurtenant or other documents which show ownership.
3. Give the source of water and the major stream to which it is a tributary.
4. Show the date of priority of the license or decreed right, or the priority claimed under a claim to a water right.
5. Show the amount of water in cubic feet per second or acre feet per annum, the use of the water, and also the period of the year during which the right is used. (*Example: Amount **3.2 cfs** for **irrigation** purposes, from **April 1**, to **October 31**.)*)
6. Indicate the total amount of water as described in said right.
7. Write the legal description(s) for the point(s) of diversion that has been recorded for use with this water right. The description should be by the U.S Government Lot and/or 40-acre subdivision tract.
8. List the place of use of all uses identified in item 5 above. The location should show township, range, section and each 40-acre tract identified as a place of use by the water right. To designate the various uses of a water right, refer to item 5, Section B, Part 1.
9. List the water right number of any water right used for the same purpose. This includes any supplemental water rights from the same source or different sources.
10. This item must be completed for the application to be accepted.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

This portion of the application is to be completed if the applicant owns only a portion of the water right or if the change will separate a portion of the right from the original by diverting it through a different system. If the applicant owns all of the right and the application proposes a change of the entire right, part B should be left blank.

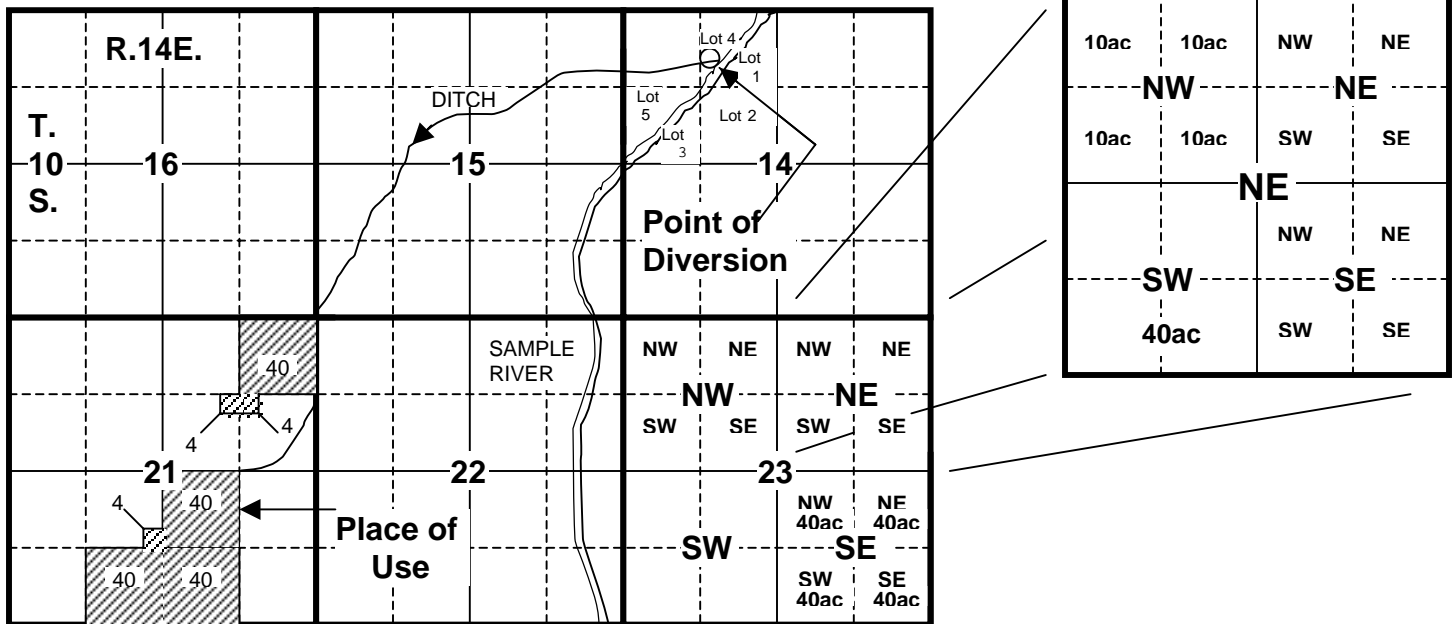
1. The quantity of water being transferred is normally determined by calculating the amount of water appurtenant to one acre and then multiplying by the number of acres listed in item 3 below, unless the amount of water is specifically stated in a warranty deed or instrument of conveyance.
2. List the legal description for the point(s) of diversion used to divert water to the place of use identified in item 3 below.
3. List the legal description for that portion of the right shown in item 5, Section B, Part 1 that will be affected by this transfer.

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT

PART 3

A. PLAT MAP

Prepare a plat map clearly showing the location of the points of diversion along with any stream, proposed reservoirs, dams, canals, ditches, pipelines, wells and other works proposed to be used in the conveyance and diversion of water. The map must also clearly show the location of lands to be irrigated or the place of use. Legal designations including townships, ranges, sections, and government lots must be evident or labeled for the map to be complete. In lieu of drawing a plat map, a copy of a U.S.G.S. quadrangle map with scale 1:24,000 can be attached to the application and the necessary components identified. An example of a correctly completed map is shown on the following page. For illustrative purposes, Section 23 has been labeled to show 10-acre, 40-acre, and 160-acre designations.



An aerial photo of the place of use and the point of diversion is always a beneficial addition to an application especially when the section corners have been labeled. An aerial photo, however, is **not** to be considered a substitute for the map.

B. CHANGE IN THE NATURE OF USE

1. When an application is filed intending to change the nature of use of a water right, it is extremely important that the new use be described fully. This description must include the rate at which water will be diverted, and the length of time the diversion will occur. The duration of use must specify how many hours per day the diversion will take place, the number of days the water will be used per year and the month and day when the use will commence and cease.
2. Normally some of the water diverted will return to the hydrologic system either in the form of runoff, seepage, percolation or waste water discharge. Inherent with the change in the nature of use may be a change in the quality of water not consumed. Both the quantity and the quality of return flows should be documented. A legal description of where the return flows are discharged should also be provided.
3. Changing the nature of use for a portion or all of a water right may impact other water users. These effects should be described whether or not they are beneficial or adverse. The application should be signed in the presence of a notary public and submitted to the regional office responsible for administering water rights in the area where the transfer is proposed. The application must be accompanied by a filing fee, documentation to verify ownership, and, if necessary, authorization for filing the application.

FEE SCHEDULE BASED ON TOTAL QUANTITY TO BE TRANSFERRED

See Fee Schedule

Your application and fee may be submitted to one of the following offices:

Northern Region

Idaho Dept. of Water Resources
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815

Tel. - 762-2800
FAX - 762-2819

Eastern Region

Idaho Dept. of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402

Tel. - 525-7161
FAX - 525-7177

Southern Region

Idaho Dept. of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301

Tel. - 736-3033
FAX - 736-3037

Western Region

Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Tel. - 334-2190
FAX - 334-2348

FEE SCHEDULE

Transfer fees (cfs = cubic feet per second -- AF = Acre feet)

cfs			AF			cfs			AF				
0.00	--	0.20	0	--	20	\$100.00	11.01	--	12.00	1101	--	1200	\$690.00
0.21	--	1.00	21	--	100	\$250.00	12.01	--	13.00	1201	--	1300	\$730.00
1.01	--	2.00	101	--	200	\$290.00	13.01	--	14.00	1301	--	1400	\$770.00
2.01	--	3.00	201	--	300	\$330.00	14.01	--	15.00	1401	--	1500	\$810.00
3.01	--	4.00	301	--	400	\$370.00	15.01	--	16.00	1501	--	1600	\$850.00
4.01	--	5.00	401	--	500	\$410.00	16.01	--	17.00	1601	--	1700	\$890.00
5.01	--	6.00	501	--	600	\$450.00	17.01	--	18.00	1701	--	1800	\$930.00
6.01	--	7.00	601	--	700	\$490.00	18.01	--	19.00	1801	--	1900	\$970.00
7.01	--	8.00	701	--	800	\$530.00	19.01	--	20.00	1901	--	2000	\$1010.00
8.01	--	9.00	801	--	900	\$570.00	20.01	--	100.00	2001	--	10000	*
9.01	--	10.00	901	--	1000	\$610.00	101.01	--	500.00	10001	--	50000	**
10.01	--	11.00	1001	--	1100	\$650.00	500.01	&	over	50001	&	over	***

* \$1010.00 plus \$20.00 for each additional 1.0 cfs or part thereof or 100 acre feet or part thereof over the first 20.0 cfs or 2,000 acre feet.

** \$2610.00 plus \$10.00 for each additional 1.0 cfs or part thereof or 100 acre feet or part thereof over the first 100.0 cfs or 10,000 acre feet.

*** \$6610.00 plus \$2.00 for each additional 1.0 cfs or part thereof or 100 acre feet or part thereof over the first 500.0 cfs or 50,000 acre feet.